

FEB 16 2006**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC WALTON,

Defendant - Appellant.

No. 05-50101

D.C. No. CR-04-01372-PA

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Argued and Submitted February 7, 2006
Pasadena, California

Before: PREGERSON, W. FLETCHER, and BYBEE, Circuit Judges.

The facts of this case are known to the parties.

Defendant Eric Walton alleges that he was subjected to an illegal warrantless arrest in violation of the Fourth Amendment after he exited his house in response to a police request. First, he claims that the police unlawfully demanded that he

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

come outside of his residence. Second, he claims that the police improperly engaged in a ruse to trick him into coming outside. We have considered those claims and hold that the district court did not err when it found that Defendant voluntarily exposed himself to arrest. *See United States v. Vaneaton*, 49 F.3d 1423, 1427 (9th Cir. 1995).

Furthermore, the government did not breach the plea agreement when it immediately acted to correct its initially improper recommendation. *See, e.g., United States v. Quach*, 302 F.3d 1096, 1100-01 (9th Cir. 2002). Thus, “we cannot conclude that the government was attempting to influence the district court to impose a greater sentence.” *Id.* at 1101.

AFFIRMED.